

## **Exhibit I**

**ANTOY BELL - VOLUME 1 - July 15, 2020**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

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2			
3	TIMOTHY W. REPASS AND	)	
4	WILLIAM SCOTT MCCANDLESS,	)	
5	INDIVIDUALLY AND ON	)	
6	BEHALF OF ALL OTHERS	)	
7	SIMILARLY SITUATED,	)	CIVIL ACTION
8		)	
9	Plaintiffs,	)	NO. 7:18-CV-107-DC-RCG
10		)	
11	VS.	)	
12		)	
13	TNT CRANE AND RIGGING,	)	
14	INC.,	)	
15		)	
16	Defendant.	)	

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ORAL DEPOSITION OF

ANTOY BELL

AS DESIGNATED REPRESENTATIVE OF

TNT CRANE & RIGGING, INC.

July 15, 2020

Volume 1

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ORAL DEPOSITION OF ANTOY BELL, Volume 1, produced as a witness at the instance of the Plaintiffs, and duly sworn, was taken in the above-styled and numbered cause on the 15th of July, 2020, from 10:03 a.m. to 2:58 p.m., before Julie A. Jordan, CSR, RPR, in and for the State of Texas, reported by machine shorthand via Zoom, at the offices of TNT Crane & Rigging, Inc., 925 South

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1 A. I haven't had a -- I can't tell you who all  
2 the employees are.

3 Q. Well, how many are there?

4 A. All of the claims -- I have to look through  
5 all the records to be able to tell you which -- which --  
6 which employees.

7 Q. And without naming them specifically, what are  
8 the bases for these claims of offset?

9 A. The payment of overtime when overtime was not  
10 required.

11 Q. And are you referring to the payment of time  
12 and a half on holidays and weekends even if they had not  
13 worked over 40 hours in a week?

14 A. That is some of what I'm referring to.

15 Q. What else are you referring to?

16 A. The payment of overtime for travel and it was  
17 not required.

18 Q. Anything else?

19 A. Not that I can in think of on the top of my  
20 head.

21 Q. Now, let's talk a little bit about the --  
22 TNT's policies about compensable time under the  
23 Fair Labor Standards Act.

24 You would agree with me, wouldn't you,  
25 that the workday start when the operators perform their

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1 first work of the day?

2 A. Yes.

3 Q. And the first work of the day could involve  
4 loading tools, getting fuel, loading ice or other  
5 supplies that they needed in order to perform their  
6 duties as crane operators. True?

7 A. It could -- some of those things it could  
8 start the day, yes.

9 Q. Which ones do you believe do not start the  
10 first work -- do not constitute the first work of the  
11 day?

12 A. I think loading ice is required as a duty of  
13 the crane operator.

14 Q. Anything else?

15 A. I'm trying to remember if -- all you said.  
16 You said tools, ice.

17 Q. The fuel or other supplies necessary to  
18 perform their work.

19 A. Yeah. If it's necessary to perform their work  
20 yes.

21 Q. So you would agree with me that if it's  
22 necessary to perform their work, the operators loading  
23 that -- those items, when they do, that they're  
24 performing the first work of the day, correct?

25 A. If it's necessary to perform their work, yes.